

**REMARKS****I. Status of the claims:**

Claims 1-100 and new claims 101-104 are now in the case.

No new matter has been introduced in this Amendment.

**II. Rejections under 35 U.S.C. §102(e)**

The Examiner rejected claims 1-100 under 35 U.S.C. §102(e) as being anticipated by Khavakh et al., of record.

**Khavakh Does Not Anticipate The Applicants' Claimed Invention**

The Applicants' claimed invention is directed to a customizable user interface for a computing device, the user interface including a node map wherein multiple child nodes are visually coupled to a parent node and new nodes can be generated with node information received from the user.

Khavakh does not disclose the Applicants' claimed "generating a new node with the received node information" as required by independent claims 1, 53, 75, and 100. Nodes, as defined by the Khavakh reference, are not variable entities. "The storage medium is installed in the drive 14 so that the map database 20 can be read and used by the navigation system."

(column 4, lines 23-31) The Khavakh reference's own definition of node (column 4, lines 40-62), and the use of the node information in the system, discloses that the information pertaining to nodes is not updated. Therefore, Khavakh cannot anticipate "generating a new node with the received node information" as required by claims 1, 53, 75, and 100. The dependent claims that depend on these independent claims are not anticipated for the same reason as set forth for the independent claims.

The MPEP 2131 quotes the prevailing law on anticipation. To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Accordingly, the Examiner is respectfully requested to withdraw his rejection under 35 U.S.C. §102(e), since Khavakh does not disclose all of the elements claimed for the Applicants' claimed invention.

New claims 101 – 104 are added to the case to further emphasize this difference over the Khavakh reference.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of the application.

### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 4208-4030. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 4208-4030. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: January 24, 2006

By: 

John E. Hoel  
Registration No. 26,279  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101